THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2220 OF 2006

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Dated: 06-02-2006

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Between

Gade Ramprasad, S/o. Late Venkat Rajam,

Occ: Agriculture, R/o. Damarcharla Village,

Chandrugunda Mandal, Khammam District.

...PETITIONER

AND

The Revenue Divisional Officer, Kothagudem,

Khammam District and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents in issuing the impugned proceedings in R.C.No.B/1442/2/2004 dated 25.01.2006, pending disposal of the appeal in CMA.SR.No.124 of 2006 as illegal and arbitrary.

Learned counsel for the petitioner submits that a poramboke land in an extent of Ac.5-00 guntas in S.No.81/4 of Chandrugunda Village was delivered to the father of the petitioner and four others vide proceedings of the Thasildar dated 02.12.1958 and the Government was requested to accord permission to grant patta in respect of the said land. After the demise of petitioner's father the land in an extent of Ac.2-00 guntas fell to the share of the

petitioner. While so, the second respondent issued a notice under Section 7 of the Andhra Pradesh Land Encroachment Act (for short 'the Act') alleging that the petitioner is an encroacher. The petitioner submitted his explanation on 29.05.2005 stating that he is not an encroacher and the land in question had been delivered to his deceased father. However, the second respondent without considering the said representation passed the impugned order dated 25.01.2006 ordering eviction of the petitioner and to hand over the possession for Government custody. The Mandal Revenue Inspector – I, was also directed to serve notice in form-6 on the petitioner and take possession.

As against the said order petitioner filed an appeal before the Revenue Divisional Officer – first respondent, which is numbered as CMA.SR.No.124 of 2006 dated 02.02.2006 along with an application for grant of stay under Section 10(2) of the Act. So far the first respondent has passed no orders.

Having regard to the facts and circumstances of the case and without expressing any opinion on the allegations of the petitioner,
the first respondent is directed to consider and dispose the appeal in CMA.SR.No.124 of 2006 itself, filed by the petitioner, as expeditiously as possible within eight weeks from the date of receipt of a copy of this order and till then the petitioner shall not be dispossessed.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 6, 2006

DSK